

The Delinquency Court Process

A juvenile, someone between the ages of 8 and 18, who is charged with a criminal offense is accused of being delinquent. Charges come to the attention of the court through various avenues. The police officer may write the youth a citation, ticket, and tell them when and where to appear for court. The police officer may arrest an individual for committing a crime and bring the youth to the detention center, where they will have their advisory hearing before a judge within twenty-four hours. The officers may investigate a crime and upon completing the investigation, send the police report to the County Attorney's Office. A County Attorney will read over the police report and determine whether a crime has been committed. If the County Attorney believes a crime has been committed, the County Attorney will file a petition, charging document, with the court. The court will schedule the matter for an advisory hearing and court administration will send a letter to the youth and his parent's informing them of the impending court hearing.

Since a juvenile's freedom is at stake the court will appoint an attorney to represent the youth. The attorney will meet with their client before the first court hearing. The attorney will sit down with the child and verify the biographical information is current and correct, inform the child of the charge, their constitutional rights, options for handling the charge and dispositional (sentencing) alternatives. The attorney and the client will discuss the facts surrounding the allegation. The attorney will speak to their client, the juvenile, alone. Client/ attorney privilege prevents the attorney from telling anyone what was discussed in the client meeting but if a parent is present the parent can be called by the county attorney at trial to testify about any admission the youth made to his/her attorney.

During the client/ attorney consultation the attorney will ask about possible witnesses, for and against the client and discuss possible defenses. The attorney will also tell the client if the county attorney has made a "plea offer." A plea offer is where the county attorney offers to reduce the seriousness of a crime or dismiss counts in exchange for an admission to an offense. The client and attorney will discuss the pros and cons of a plea offer. The client will decide how they wish to handle their case, accepting a plea offer, setting the matter for adjudication or admitting the offense.

After the consultation the client, family and attorney will attend the Advisory Hearing before the judge. Two decisions will be made at the Advisory Hearing, how the juvenile wishes to proceed and if the juvenile will be released or detained pending the next court hearing. At the beginning of the hearing the court will have all the parties state their name. The judge will then ask if the biographical information is correct and if the juvenile waives a formal reading of the charges and a summary of constitutional rights and dispositional (sentencing) alternatives by the judge. The attorney will answer the questions for the juvenile. The attorney will then tell the judge if the juvenile is denying and setting the matter for adjudication (trial) or admitting. If the juvenile admits to some or all of the charges the judge will go over all the juvenile's constitutional rights and sentencing options. If after hearing their rights and sentencing options the juvenile wishes to admit, the juvenile will have to tell the judge what he/ she did to be guilty of the charge.

Next, the judge will make a decision on whether to release the juvenile to live with his parents or detain him/her until the next court hearing. The court will consider the juvenile's recent behavior when

deciding whether to detain him/her or release them to their parent. If the juvenile has been following curfew, attending school, not using drugs or alcohol and being law abiding, the youth is more likely to be released to his/ her parents. However, if the youth is not coming home, using drugs, not attending school and committing crimes in the community or home the child will likely be detained. The judge will listen to what the county attorney, parents, juvenile and juvenile's attorney have to say before deciding whether to detain the child. The judge will then set the next hearing, either an adjudication (trial) or disposition (sentencing).

If the next hearing is an adjudication hearing the client needs to remain in contact with their attorney so they can discuss the case. The client needs to help the attorney gather witness information and be available to discuss any issues that may come up during trial preparation. At the adjudication (trial), it will be the job of the county attorney to prove to the judge beyond a reasonable doubt (almost certain) that the juvenile committed the crime he/she is accused of. The county attorney attempts to do this by calling witnesses, usually the victim (person the crime happened to) the police who investigated the crime and anyone else who saw or heard anything. The juvenile's attorney will get to question each of the state's witnesses once the county attorney is done asking them questions. Once all of the state's witnesses have testified, the juvenile will call his witnesses to testify. However, the juvenile does not have to call any witnesses, it is the state's job to prove he is guilty, not the juvenile's job to prove he is innocent. After all the witnesses have testified the juvenile will decide whether he/she wants to take the witness stand and answer questions. The juvenile will first be questioned by their attorney and then by the states attorney. The juvenile does not have to testify and the judge cannot use the fact that the juvenile did not testify as a sign of guilt. Once all the testimony is taken the judge will decide whether he believes the state has proven their case. If the judge believes the state did not prove the juvenile committed the offense, the judge dismisses the case and it is like it never happened. However, if the judge finds that the state proved the juvenile committed some or all of the crimes the judge will set the matter for a disposition (sentencing) hearing. The court will once again review the issue of release or detention.

At the dispositional hearing the judge will determine what consequence the juvenile should receive for his crime. The judge will receive a report from the probation officer who was asked to gather information about the juvenile and his family. The probation officer will make a recommendation for punishment. During the hearing the judge will give the county attorney, parents, juvenile and juvenile's attorney an opportunity to argue for a specific punishment. The court could order the juvenile a direct consequence such as community service work hours (working for a charity for free), educational class, fine, essay or other punishment. The court could place the juvenile on summary probation, the juvenile is on probation until he/she completes one of the consequences mentioned above. The court could place the juvenile on standard probation, a probation officer would check up on the juvenile monthly for a year or longer. The juvenile would be ordered to attend school or work, drug test, perform direct consequences and be detained. The fourth option the court has is juvenile intensive probation, the juvenile is on house arrest for six months followed by six months or standard probation. Some youth are sent to live in a residential treatment center. The worse punishment the court can order is commitment to the Arizona Department of Juvenile Corrections until the youth turns 18. Once the juvenile is sentenced the case is completed. If the juvenile believes that a legal error has been made he/she can request an appeal.